

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

MADELENE SMITH, as the
surviving spouse and wrongful
death beneficiary of Hugh Max
Smith, Jr., deceased,

Plaintiff,

v.

WAYNE COUNTY, GEORGIA, et al.,

Defendants.

CV 2:23-027

ORDER

Plaintiff Madelene Smith initiated this action in Wayne County Superior Court on January 12, 2023. See Dkt. No. 1-1 at 1. On February 20, 2023, Defendants removed the case to this Court, dkt. no. 1, and on February 23 and 27, Defendants filed motions for a more definite statement, dkt. nos. 5, 6. On March 9, 2023, Plaintiff filed an amended complaint. Dkt. No. 9. For the reasons below, Defendants' motions for a more definite statement are **DENIED as moot.**

LEGAL STANDARD

A party may amend its pleading once as a matter of course "within 21 days after serving it" or, "if a responsive pleading is required, within 21 days after service of a responsive pleading or motion under Rule 12(b), (e), or (f) [of the Federal Rules of Civil

Procedure], whichever is earlier." Fed. R. Civ. P. 15(a)(1). An amended pleading "supersedes the former pleading" such that "the original pleading is abandoned by the amendment, and is no longer a part of the pleader's averments against his adversary." Dresdner Bank AG v. M/V Olympia Voyager, 463 F.3d 1210, 1215 (11th Cir. 2006) (internal quotation marks and citation omitted); see also Fritz v. Standard Sec. Life Ins. Co., 676 F.2d 1356, 1358 (11th Cir. 1982) (citations omitted) ("Under the Federal Rules, an amended complaint supersedes the original complaint.").

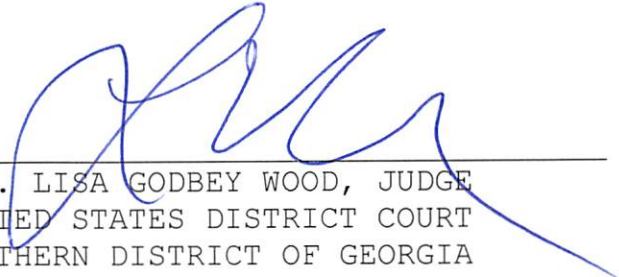
DISCUSSION

Plaintiff timely filed her amended complaint as a matter of course pursuant to Rule 15(a)(1). See Dkt. No. 9. Further, Plaintiff's amended complaint supersedes her original complaint. Defendants' motions for a more definite statement, dkt. nos. 5, 6, have thus been rendered moot by Plaintiff's filing of her amended complaint. Should Defendants wish to renew their motions for a more definite statement, they are granted leave to do so within the time prescribed by the Federal Rules of Civil Procedure.

CONCLUSION

Defendants' motions for a more definite statement, dkt. nos. 5, 6, are **DENIED as moot**.

SO ORDERED, this 13 day of March, 2023.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA